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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,855	06/15/1999	ALAN A. RAMALEY	13237-2390	4624

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CHRISTOPHER J LEONARD
MERCHANT & GOULD
P O BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

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DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/333,855

Applicant(s)

RAMALEY ET AL.

Examiner

CESAR B PAULA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-19 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is responsive to the RCE filed on 5/27/2003.

This action is made Non-Final.

2. In the amendment, claim 20 has been canceled. Claims 1-19 are pending in the case.

Claims 1, 8, and 15 are independent claims.

3. The rejections of claims 1-7, and 15-20 under 35 U.S.C. 103(a) as being unpatentable over Kelly, S.B, hereinafter Kelly, Mastering WordPerfect, pp.284-288 (Sybex, 1987) have been withdrawn as necessitated by the amendment.

Drawings

4. This application has been filed with informal drawings which are acceptable for examination purposes only.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly, S.B., hereinafter Kelly, Mastering WordPerfect, pp.284-288 (Sybex, 1987), in view of Hart-Davis, G., hereinafter Davis, "The ABCs of Word 97", Sybex, 1997, chapter 20.

Regarding independent claim 1, Kelly discloses the recovery of files by using temporary files in response (p.284,L.8-22).

Moreover, Kelly discloses initiating a file save operation for recovering files by making editing changes to working file copies—*replacement files*-- on a computer screen. The file copies are used for replacing backup copies of the working copies at certain time intervals. When the backup copies are first saved from the working copies found in volatile memory, they are assigned a temporary backup name ({WP}BACK.1,2, etc.) and saved to disk-- *permanent storage medium* (p.284,L.8-37).

Furthermore, Kelly teaches the saving of extra backup files of original files, onto a separate disk so that a user can recover the file in case of computer failure that disrupts computer operation. This would include a file save operation which would be disrupted if the computer failed. In the case of a computer failure, the user is informed that a backup file(s) exist, and is prompted to rename the backup file with a final name (p.284,L.8-37). Kelly fails to explicitly disclose *the replacement files comprise a main file in which at least additional file is embedded*. Davis teaches the embedding of files, such as complex tables, graphic files etc into web pages created or edited with Word 97 wordprocessor. It would have been obvious to one of ordinary skill in the art at the time of the invention to have recovered web pages created and edited with a word processor, and combine Kelly and Davis, because Kelly teaches above the recovery of lost

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files in case of a computer failure. This provides the benefit of retrieving files inadvertently lost due a computer failure, and saving the time and effort spent in creating the lost data in the files.

Regarding claim 2, which depends on claim 1, Kelly teaches the changing the original name assigned to a document with the name of the backup file(s) to be used in case of power failure—non-catastrophic failure ({WP}BACK.1,2, etc.) p.284,L.8-22.

Regarding claim 3, which depends on claim 2, Kelly teaches the deleting of the backup file(s) once the file has been successfully renamed p.284,L.8-33. Kelly fails to explicitly disclose *deleting a recovery file*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have deleted such recovery file, because Kelly teaches above deleting backup file information used to replace files after a computer failure. This would provide the advantage of freeing up the computer memory by deleting files no longer needed.

Regarding claim 4, which depends on claim 1, Kelly teaches the changing the original name assigned to a document with the name of the backup file(s), in case of power failure—non-catastrophic failure, and based upon the determination and detection of a non-identical backup file(s) ({WP}BACK.1,2, etc.) p.284,L.8-22.

Allowable Subject Matter

7. Claims 5-19 are allowed.

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Response to Arguments

8. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection. Regarding claim 1, the Applicant submits that Kelly does not teach or suggest a main file with at least one additional embedded file (page 10, lines 21-23). The Applicant is directed towards the rejection of this newly added limitation above in view of the newly found prior art.

Regarding claim 15, the Applicant submits that Kelly does not teach or suggest old files comprising a primary HTML file and/or at least one additional embedded file (page 11, lines 9-14). This argument is moot in view of the allowance of claim 15.

Conclusion

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

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Director United States Patent and Trademark Office

Washington, D.C. 20231

Or faxed to:

- (703) 746-7238, (for **After Final** communications intended for entry)
- (703) 746-7239, (for **Formal** communications intended for entry, **except formal After Final communications**)

Or:

- (703) 746-7240, (for **Informal or Draft** communications for discussion only, please label **"PROPOSED"** or **"DRAFT"**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).



CESAR B PAULA
Patent Examiner
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8/11/03